

Appl. No.: 10/665,176
Art Unit: 3711 Docket No.: B03-40
Reply to Final Office Action of January 3, 2005

REMARKS

Claims 1-3, 6-7, and 10-23 appear in this application for the Examiner's review and consideration. Claims 1, 10, 11, 16, 18, and 21 have been amended.

Claim 1 has been amended to recite that the outer core has a stiffening agent. As set forth in the application, the outer core is a relatively thin layer that surrounds the large, soft inner core and the stiffening agent is provided such that the overall core has a compression of 60-100. Support for the amended element is found in the Specification, on page 8, line 27, and in the Examples on pages 11-16, which discuss the formulations and test results for the preferred golf balls having an outer core with a stiffening agent.

Claims 21 has been amended to more particularly claim the preferred golf ball that has an inner cover and outer cover formulated such that the overall ball compression is between 80 and 90. Support for these additions can be found in the Specification on page 9, line 4; page 10, line 19; and page 11, lines 3-4.

Claims 10 and 18 have been amended to correct their dependency. Claim 11 was amended to clarify that the recited components are *further* included in the outer core. Claim 16 was amended to recite a preferred ball compression.

No new matter has been added by these amendments and additions.

Rejection Over U.S. Patent Nos. 5,779,562 and 6,620,059

The claims were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,779,562 or as being obvious over the '562 patent in view of U.S. Patent No. 6,620,059. The present invention is directed to a dual-core, double-cover golf ball. The claimed ball, as set forth in claim 1, for example, includes a large inner core having a diameter of about 1.45 to 1.55 inches that is relatively soft. The inner core compression is between 15 and 55. However, the core includes a hard outer core layer having a Shore C of greater than 80 and a stiffening agent, such that the overall core compression is between 60 and 100. The '562 patent does not teach or suggest this type of ball.

The '562 patent is also directed to a dual-core, double-cover golf ball. The Examiner argued that the core layers have a compression from 30 to 85 and a Shore C hardness from 30 to 90. The Applicants agree with the Examiner in this characterization, but this not what is claimed by the Applicants. More specifically, the '562 patent is directed to a central core and outer core

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layer that are formed of the same rubber composition including rubber base, crosslinking agent, free radical initiator and modifying ingredients, except for the specific gravity controlling filler. Col. 5, lines 11-28. The patent states that the characteristics of the core layers are such that the moment of inertia is adjusted to increase or decrease the backspin of the golf ball. Col. 4, lines 9-14.

To establish a *prima facie* case of obviousness, the Examiner should find a reference (or references) that suggest the claimed invention. The Examiner must find some suggestion or motivation to modify the reference without using the Applicants' teachings. The '562 patent fails to teach the elements set forth in the Applicants' claims. As set forth above, the claimed invention is directed to a large, soft inner center with a compression of only 15-55 and a relatively thin, harder outer layer that is formed such that the core compression is 60-100. The '562 patent does not teach this type of hard-over-soft core. Even more particularly, there is no suggestion that such a large inner core can be covered with a relatively soft outer core and get to the desired compression. The center of the '562 patent is between 10 and 35 mm (0.38 to 1.38 inch). The Applicants agree that the '059 patent teaches a larger center. However, it is clear that the '526 patent and the '059 do not suggest the combination of Applicants' claimed elements. Modifying the '526 patent by increasing the diameter of the inner core does not cure the deficiencies of the reference. There is no teaching in the '526 patent that suggests that a very large, soft center having a compression of only 15 to 55 can be surrounded by an outer core layer that has a stiffening agent so that the core compression is increased to 60-100. In fact, in the '526 patent, it is important to have sufficient volume of both core layers, i.e., more equal volumes, to effect the moment of inertia with changes in material specific gravity. The present invention is directed to an entirely different type of ball. For at least these reasons, claim 1 and all the claims that depend therefrom are believed to be patentable over the '526 patent alone or in combination with the '059 patent.

Additionally, the '526 patent does not teach the elements in claim 21. For example, the Examiner stated that the '526 patent, in Fig. 1, teaches that the core hardness can be 30-90 Shore C and the compression from 40 to 60. However, Fig. 1 shows that the inner center of the core can have this hardness range, not that the inner layer has a compression in the 15-55 range and the outer layer is formed such that the core compression is in the 60 to 100 range. The present invention specifically teaches a large, soft inner core layer and a thin, hard outer core layer. This

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is not suggested by the '526 patent at all. Furthermore, the claim is also directed to the inner and outer cover layers, that when combined with the inner and outer core layers, provide a particular ball compression of between 80 and 90. This is a very special ball with special attributes is not suggested by the '526 patent. For at least these reasons, the Applicants believe that claim 21 and the claims that depend therefrom are in condition for allowance.

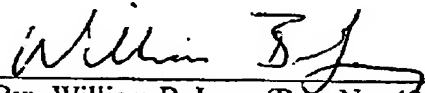

Conclusion

Based on the remarks set forth above, Applicants believe that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicants' attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

No fee, other than \$120.00 for the petition for a 1-month extension of time, included herewith, is believed to be due for this submission. However, should any additional required fees be due, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,

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